

# Notice of Allowability

Application No.

10/788,989

Examiner

Dan Washburn

Applicant(s)

O'NEIL ET AL.

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 11/21/2007.
2. ☒ The allowed claim(s) is/are 1,6-8,32-38,41-47 and 50-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

### EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Ryan Grace on Wednesday January 23<sup>rd</sup>, 2008, at 4 pm.

In the examiner-initiated interview Examiner Washburn asked Attorney Grace if he could make a few changes to the independent claims in order to clarify the claim language without changing its scope. Attorney Grace agreed to the changes.

The application has been amended as follows:

Claim 1 (only lines 21-25):

...receiving a second incoming event notification, wherein the second incoming event notification is an incoming phone call that ~~cause~~causes an automatic instantiation of the second software application; and

in response to ~~automatically~~the automatic instantiation of the second software application,...

Claim 35 (only lines 22-26):

...receiving a second incoming event notification, wherein the second incoming event notification is an incoming phone call that ~~cause~~causes an automatic instantiation of the second software application; and

in response to ~~automatically~~the automatic instantiation of the second software application,...

Claim 44 (only lines 26-30):

...receiving a second incoming event notification, wherein the second incoming event notification is a communication notification that ~~cause~~causes an automatic instantiation of the second software application; and

in response to ~~automatically~~the automatic instantiation of the second software application,...

### REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The prior art fails to disclose or reasonably suggest the applicant's invention as claimed in independent claims 1, 35, and 44.

Specifically, the prior art fails to disclose at least,

"providing a first software application of an operating system associated with a first mobile partner and a second software application of a phone application associated with a second mobile partner, wherein the first and second software applications

associate a function with a soft key according to an incoming event notification, wherein the function of the soft key is selectable by receiving an input from a hardware button;

associating a color scheme with the first and second software applications to indicate that the function of the soft key is associated with the hardware button, wherein the color scheme includes a first brand extension color scheme for a first mobile partner and a second brand extension color scheme for a second mobile partner;

receiving an incoming event notification that instantiates the first software application...illuminating the soft key and the hardware button on the computing device according to the first brand extension color scheme...receiving a second incoming event notification...that causes an automatic instantiation of the second software application...and illuminating the soft key and hardware button on the computing device according to the second brand extension color scheme.”

A relevant piece of prior art, Lin (US 2004/0253976), describes hardware keys that light up according to which keys are active based on the current operating status of the telephone. However, Lin fails to disclose all the limitations found in independent claims 1, 35, and 44.

Another piece of prior art, Lee et al. (US 2002/0183098), describes a hardware keypad and LCD display of a phone that light up in a particular color according to the incoming caller. However, Lee fails to disclose all the limitations found in independent claims 1, 35, and 44.

Finally, another piece of prior art, Hamada et al. (US 7,151,953), describes a phone that includes LEDs, where the LEDs light up in a particular color and possibly in

a particular pattern according to the event at the phone. Events include an incoming call, an incoming email, and an alarm. However, Hamada fails to disclose all the limitations found in independent claims 1, 35, and 44.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Washburn whose telephone number is (571) 272-5551. The examiner can normally be reached on Monday through Friday 8:30 a.m. to 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DW

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1/25/08

  
ULKA CHAUHAN  
SUPERVISORY PATENT EXAMINER